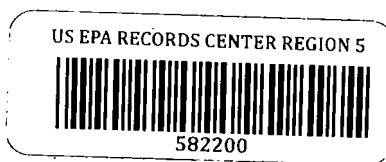




A Limited Liability Partnership Including Professional Corporations



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February 2, 2004

VIA U.S. MAIL

Jose C. de Leon, Esq.
Associate Regional Counsel
Office of Regional Counsel
U.S. EPA/R5
77 West Jackson Blvd., C-14J
Chicago, IL 60654-3590

Kyle Rogers ✓
Remedial Project Manager
U.S. EPA/R5
77 West Jackson Blvd., C-14J
Chicago, IL 60654-3590

Re: Pierce Oil Waste Site

Dear Gentlemen:

I represent BorgWarner Inc. in the Pierce Waste Oil Site (the "Site") located in Springfield, Illinois, and am chair of the Steering Committee for the Pierce Waste Oil Site Group (the "Group"). I am writing to you to express concerns about reported unauthorized use of the Site.

Greg Dunn at Illinois EPA passed on information from Illinois EPA site inspectors that Joel A. Moske of Metro Salvage Industrial Steel Demolition and Explosive Services has conducted activity on the site. A search of corporate records reveals that the entity has not been registered in any state. In addition, a search of the property records reveals no transfer documents or ownership records have been filed to allow such use of the Pierce Oil Site.

As you recall, when we were at the site on December 15, 2003, it appeared as if someone was clearing the site and bringing material on the site; we did note that a flat bed truck was present with scrap machinery of some sort on top of it. We are still under the belief that the site should still be under seal as is posted on the gate. Please inform us as soon as possible of your investigation of the above activity.



Jose C. de Leon, Esq.
Kyle Rogers
February 2, 2004
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As you know, the Group has few members, has no legal means of controlling the site, no access agreement with any owner, and no police powers to investigate what may be occurring. If there is activity at the Site, especially one that creates new environmental problems, we will be looking to you to take immediate action, including the use of the agency's authority to issue an administrative warrant or seek a temporary restraining order to secure the site to prevent contamination, exacerbate the existing conditions, or otherwise to prevent disturbance of the site.

Please call if you have questions.

Yours truly,

A handwritten signature in black ink, appearing to read 'Jane E. Montgomery', written over the typed name.

Jane E. Montgomery

cc: Eric Estopinal
Heidi Bumpers
Rachel George
Jay Truty

CHIV 4096451.1